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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/725,140	12/01/2003	Henry L. Restarick	2003-IP-011683 U1 USA	2644
20558	7590	11/07/2005		
KONNEKER & SMITH P. C. 660 NORTH CENTRAL EXPRESSWAY SUITE 230 PLANO, TX 75074			EXAMINER BOMAR, THOMAS S	
			ART UNIT 3672	PAPER NUMBER

DATE MAILED: 11/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/725,140

Applicant(s)

RESTARICK ET AL.

Examiner

Shane Bomar

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3672

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 12 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-103 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☒ Claim(s) 1-103 are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Election/Restrictions***

1. This application contains claims directed to the following patentably distinct species of the claimed invention:

- Species 1 - Embodied by Fig. 1, wherein there is a wellbore system with a wellbore junction having two passages, one flow control device, one main wellbore, one branch wellbore, and one set of upper and lower deflectors.
- Species 2 - Embodied by Figs. 11 and 12, wherein there is a wellbore system with a wellbore junction having two passages, one flow control device in the first passage and one flow control device in the second passage, one main wellbore, one branch wellbore, and one set of upper and lower deflectors.
- Species 3 - Embodied by Fig. 13, wherein there is a wellbore system with a wellbore junction having two passages, no flow control device in either passage, one main wellbore, one branch wellbore, and one set of upper and lower deflectors.
- Species 4 - Embodied by Fig. 14, wherein there is a wellbore system with multiple wellbore junctions, each having two passages, one flow control device, one main wellbore, multiple branch wellbores, and multiple sets of upper and lower deflectors.
- Species 5 - Embodied by Fig. 15, wherein there is a wellbore system with multiple wellbore junctions, one having two passages while the other has three

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passages, one flow control device, one main wellbore, multiple branch wellbores, and multiple sets of upper and lower deflectors.

- Species 6 - Embodied by Fig. 16, wherein there is a wellbore system with multiple wellbore junctions, one having two passages while the other has three passages, multiple flow control devices, one main wellbore, multiple branch wellbores, and multiple sets of upper and lower deflectors.
- Species 7 - Embodied by Fig. 17, wherein there is a wellbore system similar to Fig. 14 with multiple wellbore junctions, each having two passages, one flow control device, one main wellbore, multiple branch wellbores, and multiple sets of upper and lower deflectors, wherein there is also an access control device to provide selective access to lower branch wellbores.
- Species 8 - Embodied by Fig. 19, wherein there is a wellbore system with a wellbore junction having two passages, one flow control device, one main wellbore, one branch wellbore, and one set of upper and lower deflectors, wherein there are also two fluid loss control devices in each wellbore.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, claims 1-5, 10, 11, 13-16, 23-26, 29, 32-34, 36, 39, 51, 55-57, and 83 are generic.

Furthermore, within the aforementioned distinct species there are the following sub-species of the claimed invention, of which an election of one sub-species should be made to go along with the species elected from above:

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- Species 9 - Embodied by Fig. 2, shows an alternative flow control device with an alternative sleeve 74 for preventing access to the passage 60.
- Species 10 - Embodied by Fig. 3, shows an alternative flow control device wherein access to the passage 60 is not desired.
- Species 11 - Embodied by Figs. 5 and 7, shows a first alternative for installing the wellbore junction wherein the second passage 60 is initially unexpanded, and then expanded downhole.
- Species 12 - Embodied by Figs. 6 and 7, shows a second alternative for installing the wellbore junction wherein the first passage 22 is initially unexpanded, and then expanded downhole.
- Species 13 - Embodied by Fig. 8, shows an alternative of the housing 100 for the second passage 60 that includes separate chambers so that separate control lines, and/or strings, and/or tools can be conveyed through the passage without becoming lodged in the passages.
- Species 14 - Embodied by Fig. 9, shows a first alternative for providing access to passage 60 using a deflector and a cutting device.
- Species 15 - Embodied by Fig. 10, shows a second alternative for providing access to passage 60 using a perforating gun 126.
- Species 16 - Embodied by Fig. 18, shows another alternative for the wellbore junction wherein the second passage 60 is located inside of the passage 22.

Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable

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thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

2. Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

3. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).


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4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shane Bomar whose telephone number is 571-272-7026. The examiner can normally be reached on Monday - Thursday from 6:30am to 4:00pm. The examiner can also be reached on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Bagnell can be reached on 571-272-6999. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
David J. Bagnell  
Supervisory Patent Examiner  
Art Unit 3672

tsb   
October 31, 2005